## REMARKS

This amendment is responsive to the Office Action dated March 12, 2007. Applicants would like to thank the Examiner for the courtesies extended the undersigned during the telephonic interview of April 25, 2007. Claims 15-30 were previously pending in the application. Claims 15-30 have been rejected. The Office Action rejected Claims 15-30 under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 6,112,502 to Frederick et al. ("the Frederick reference") in view of U.S. Pat. No. 5,797,515 to Liff et al. ("the Liff reference"). Applicants respectfully request reconsideration of Claims 15-30 in view of the Remarks set forth herein.

In the Office Action, the Examiner relies on the Frederick et al. reference as the primary reference, but asserts similar arguments as have been asserted in various past Office Actions, even though the Examiner had characterized Applicants' previous responses to those arguments in past Office Actions as persuasive. During the telephonic interview, the Examiner acknowledged this and requested that the Applicants include, in this Reply, arguments in response to the latest Office Action, so that the Examiner may discuss the subject matter with her supervisor(s). Pursuant to the Examiner's request, Applicants respectfully assert that neither the Frederick et al. reference, nor the Liff et al. reference, alone or in combination, teach or suggest all of the claim elements of independent Claims 15 and 23, as well as the claims that depend therefrom. As such, all of the pending claims of the present application are in a condition for immediate allowance.

The current claim recitations of independent Claims 15 and 23 are reproduced below for reference. Certain claim elements have been highlighted to facilitate discussion:

      15.    A method comprising:
           inputting information into a handheld device from an indicium on an open shelving system, said information identifying an item stocked on said open shelving system;
           <u>inputting a current quantity of said item to the handheld device</u>;
           transferring the information and current quantity from the handheld device;
           <u>automatically comparing, in a computing device, the current quantity to a par level for said item</u>; and

generating a restocking package in response to said automatic comparing when said current quantity is less than said par level.

23. A method of restocking an open shelving system of the type having a plurality of bins, each of said bins having a unique indicium associated therewith, said method comprising:

inputting information into a handheld device from said indicium associated with each bin identifying an item stored therein;

inputting a current quantity of each of the items to the handheld device corresponding to the input information;

transferring the information and the current quantity of each of the items from the handheld device;

automatically comparing, in a computing device, the current quantity of each of the items to a par level for each item; and

generating a restocking package for each item, in response to said automatic comparing, when the current quantity of such item is less than its respective par level.

Frederick et al. discloses a method for monitoring, dispensing, and restocking medical items from a plurality of storage locations. Each storage location of the method of Frederick et al. is marked with a par level for the item contained therein. Each storage location is further marked with one or more scannable indicia (e.g., bar code labels) corresponding to a "quantity condition." For example, one scannable indicium may correspond to a "below par level" condition, while another indicium may correspond to an "out of stock" condition. A user of the system determines whether an item requires restocking, such as by determining if the current quantity of the item is below the indicated par level or if the item is out of stock. The user then scans the appropriate indicium, corresponding to the determined quantity condition, using a handheld device. This causes the transmission of a message indicating that the particular storage location requires restocking.

The Office Action asserts that the information read from the indicium of the Frederick et al. reference is "a current quantity." Additionally, the Office Action asserts that the Frederick et al. reference teaches automatically comparing the current quantity to a par level of the items to be restocked. Applicants respectfully disagree. As Applicants have previously argued, in a manner which the Examiner had previously indicated is persuasive, the information read from

the indicium of Frederick et al. is a <u>quantity condition</u> (e.g., below par level, out of stock, etc.) and not a specific <u>current quantity</u> (100 pills, 50 units, etc.). Further, the method of Frederick et al. requires that the comparison of the current quantity to the par value be performed by the user and occur prior to scanning the indicium, as this is the only way the user could know which indicium to scan. As such, Frederick et al. cannot be considered to disclose the automatic comparison of the quantity to the par level.

Moreover, with regard to the claim recitation relating to automatically comparing, in a computing device, the current quantity to a par level for the item, the Office Action cites a portion of the Liff et al. reference that states "if a proper dispensing has occurred, the transaction is recorded to the data base 407, and the computer determines wither inventory is at or below a predetermined restock value 408 … (col. 18, lines 20-41)." Applicants respectfully disagree that the cited portions of the Liff et al. reference teach this claim recitation. As Applicants have previously argued, in a manner in which the Examiner had previously indicated is persuasive, the Office Action equates inputting a current quantity of an item to a handheld device, as recited in independent Claims 15 and 23, with recording the number of bottles at loading, as described in the Liff et al. reference. However, with respect to this claim recitation, the portion of the Liff et al. reference cited in the Official Action relates to <u>recording transactions relating to packages dispensed</u> and determining whether inventory is at or below a predetermined restock value. Thus, the information used to determine whether the inventory is at or below a predetermined restock value as described in the Liff et al. reference, <u>is not a current quantity of an item that has been input to a handheld device</u>, but is rather inventory information that is based on packages that have been dispensed. Additionally, as noted above, the Frederick et al. reference does not teach inputting a <u>current quantity</u>, but rather describes a quantity condition.

In addition to the above, and as the Examiner has correctly noted, neither the Frederick et al. reference, nor the Liff et al. reference teach automatically comparing, <u>in a computing device</u>, the current quantity to a par level for the item. Applicants respectfully submit that because neither the Frederick et al. reference, nor the Liff et al. reference teach or suggest inputting a current quantity of an item to a handheld device and automatically comparing the current quantity to a par level for the item, it is not obvious to one skilled in the art to compare the current quantity to a par level in a computing device.

In view of the the remarks presented above, as well as those presented in previous responses to Office Actions which the Examiner has indicated as persuasive, Applicants respectfully submit that independent Claims 15 and 23, as well as the claims that depend therefrom, are patentable over the cited references, alone or in combination. As such, all of the present claims of the present application are in condition for immediate allowance.

## CONCLUSION

In view of the remarks presented above, it is respectfully submitted that the rejection of Claims 15-30 should be withdrawn. As such, all of the present claims of the present application are in condition for immediate allowance. It is therefore respectfully requested that a Notice of Allowance be issued. The Examiner is encouraged to contact Applicants' undersigned attorney to resolve any remaining issues in order to expedite examination of the present application.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

**/R. Flynt Strean/**

R. Flynt Strean
Registration No. 56,450

**Customer No. 00826**
**ALSTON & BIRD LLP**
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000
Tel Charlotte Office (704) 444-1000
Fax Charlotte Office (704) 444-1111
CLT01#4803313v1

**ELECTRONICALLY FILED USING THE EFS-WEB ELECTRONIC FILING SYSTEM OF THE UNITED STATES PATENT & TRADEMARK OFFICE ON May 7, 2007.**